

The logo for UNAMA (United Nations Assistance Mission in Afghanistan) is displayed in large, bold, blue capital letters. To the right of the logo is a faint, stylized graphic of a globe with latitude and longitude lines.**United Nations Assistance Mission in Afghanistan**

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Press Statement<http://unama.unmissions.org>

KABUL, 11 December 2012 – Afghan authorities have achieved progress in implementing the Law on Elimination of Violence against Women to bring perpetrators of violence against women to justice said the United Nations Assistance Mission in Afghanistan (UNAMA) in a report released today. Application of the landmark law, however, continued to be hampered by dramatic under reporting and lack of investigations into most incidents of violence against women.

The report found both positive advancement and continuing gaps in implementation of the Law on Elimination of Violence against Women (EVAW law) by judicial and law enforcement institutions over the 12-month period October 2011 to September 2012. Although prosecutors and courts were increasingly applying the law in a growing number of reported incidents of violence against women, the overall use of the law remained low indicating there is still a long way to go before women and girls in Afghanistan are fully protected from violence through the law.

“If the advances identified in implementing the EVAW law are expanded and built upon, Afghan women can be empowered to take a more active part in peace-making and political life,” said Jan Kubis, Special Representative of the Secretary-General for Afghanistan and head of UNAMA. “Progress in implementing the EVAW law can contribute to deterring harmful practices and violence against women in Afghanistan that have long prevented women from participating in public life and blocked their voices from being heard in decision-making and peace and reconciliation processes.”

Enacted in August 2009, the Elimination of Violence against Women (EVAW) law criminalises child marriage, forced marriage, selling and buying women for the purpose or under the pretext of marriage, *ba’ad* (giving away a woman or girl to settle a dispute), forced self-immolation and 17 other acts of violence against women including rape and beating. It also specifies punishment for perpetrators.

UNAMA based its 42-page report titled *Still a Long Way to Go: Implementation of the Law on Elimination of Violence against Women in Afghanistan* on more than 200 consultations with judicial, police and Government officials and its observation of violence against women cases throughout Afghanistan over the 12-month period. Information was gathered from 22 of Afghanistan’s 34 provinces on the reporting, registration and judicial process with progress on implementation of the EVAW law drawn from 16 provinces where police, prosecutors and courts provided more detailed

data on cases using the EVAW law. The report also highlights the crucial role and work of provincial-level Departments of Women's Affairs and Commissions on Elimination of Violence against Women.

Incidents of violence against women still remained largely under-reported due to cultural restraints, social norms and taboos, customary practices and religious beliefs, discrimination against women that leads to wider acceptance of violence against them, fear of social stigma and exclusion, and, at times threat to life. Prevailing insecurity and weak rule of law have further hampered women's access to formal justice institutions. Those incidents that reach law enforcement and judicial authorities or receive public attention due to their egregious nature represent the tip of the iceberg of incidents of violence against women throughout the country.

The report, however, noted an increase in incidents of violence against women reported to certain entities such as the Afghanistan Independent Human Rights Commission and provincial departments of women's affairs. This increase in reporting is an encouraging sign that efforts of civil society organizations, the Government and international actors have increased public awareness and sensitization to violence against women and its harmful and criminal consequences and of women's rights in general.

In 16 provinces where detailed information on application of the EVAW law was available, police and prosecutors recorded 470 incidents of violence against women. This represents an increase in the number of incidents registered by police and prosecutors compared with UNAMA's findings in November 2011. Of those 470 incidents, prosecutors filed indictments in 163 cases of which resulted in conviction at trial in 100 cases (a 61 per cent success rate). 72 of the 163 indictments (44 percent) relied on the EVAW law. 52 of the 72 indictments that relied on the EVAW law (72 percent) resulted in convictions at trial. This shows that in the small number of cases of violence against women that were investigated and prosecuted, use of the EVAW law was more likely to result in convictions.

While prosecutors registered more reported incidents of violence against women and city courts issued more convictions using the EVAW law, when placed in the context of 4,010 reported incidents of violence against women recorded by the Afghanistan Independent Human Rights Commission the number of cases resolved through the judicial process using the EVAW law in the 16 provinces was very low. Overall reporting of incidents of violence against women to police and registration of such incidents by the police were lower.

The report also found that rather than following required legal procedures in all cases, police and prosecutor's offices continued to refer numerous cases including serious crimes of violence against women to *jirgas* and *shuras* for advice or resolution which often undermined implementation of the EVAW law and reinforced harmful practices.

"While advances in using the EVAW law are welcome, progress in addressing violence against women will be limited until the EVAW law is applied more widely," said Georgette Gagnon, Director of UNAMA Human Rights. "Afghan authorities should take

further steps to ensure that police and prosecutors register and investigate all reports of violence against women.”

To improve implementation of the EVAW law, UNAMA made 29 recommendations to the Government and its international partners urging them to ensure that promotion and protection of women’s rights are an integral part of peace and reconciliation efforts and the country’s political, economic and security strategies.

The report also called on international donors to support the Government in meeting commitments under the Tokyo Mutual Accountability Framework on gender equality, women’s empowerment and EVAW law implementation, by developing a joint monitoring framework with specific indicators to measure progress in these areas and conditioning development assistance based on progress made.

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